

**STATE OF MICHIGAN**

**REVISED MANAGEMENT PLAN**

**FOR**

**FUNDING UNDER SECTIONS 5311 AND 5310 OF THE  
FEDERAL TRANSIT ACT, AS AMENDED**

**June 30, 2005**

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## **I. SECTION 5311**

### **ITEM A. PROGRAM GOALS AND OBJECTIVES**

The goals of this program and those of the State of Michigan are one and the same: to enhance the mobility of people in non-urbanized areas for purposes such as health care, shopping, education, recreation, public and social services, and employment by encouraging the development, maintenance, improvement, and use of passenger transportation systems.

The state goals are:

1. To provide a reasonable level of public transportation service for all Michigan citizens.
  - a. Provide essential public transportation services to the mobility limited population of the state.
  - b. To achieve increased access to jobs, education, recreation, shopping, medical needs, and other cultural and social activities through public transportation.
  - c. Provide a level of public transportation service to the general population which is consistent with the achievement of local, state, and national social, economic, and environmental goals.
2. To maximize economic benefits through public transportation investments.
  - a. Create policies that foster low user costs through efficient operations of public transportation services.
  - b. Encourage an efficient mix of private, public, and quasi-public modes of transportation.
  - c. Encourage the development and implementation of advanced public transportation technologies.
  - d. Encourage economic development and new equipment opportunities in the state through public transportation expenditures.
3. Maximize positive environmental impacts achievable through the provision of public transportation service.

- a. Provide public transportation services which contribute to the conservation of energy.
- b. Provide public transportation services which contribute to the reduction of air and noise pollution.
- c. Utilize public transportation to provide relief from traffic congestion and to reduce land requirements for transportation facilities.
- d. Coordinate public transportation and land use planning to encourage environmentally responsible land use practices.

The state objectives are:

- 1. The implementation of public transportation services to ensure that all the essential transportation needs of the mobility limited are met.
- 2. To obtain coordination and consolidation of public transportation services.
- 3. To assist the transit agencies to be more efficient and effective in providing public transportation.
- 4. To encourage long-term funding stability by obtaining a secure local funding base.

The degree to which achievement occurs will be dictated primarily by the physical, demographic, economic, and political characteristics of individual operating environments and availability of transportation resources.

In February of 1974, the State of Michigan implemented its non-urbanized area bus program. That year, 84,300 passengers made use of public transportation in non-urbanized areas. In 2004, 6,508,720 passengers were provided service by public transportation systems throughout the non-urbanized areas of Michigan.

Each year the public transit operators must submit an application consistent with Section 10e(7) of Act 51 of PA of 1951, as amended, to the Michigan Department of Transportation (MDOT) detailing their service goals and objectives for the coming year including the submission of a balanced budget. The agencies must submit quarterly and annual financial and non-financial reports.

## **ITEM B. ROLES AND RESPONSIBILITIES**

The Michigan Department of Transportation (MDOT) has been designated by the Governor as the state administering agency for the Section 5311 program. MDOT must insure a fair and equitable distribution of funds, and that the program adheres to federal and state program guidelines. MDOT notifies eligible applicants about the availability of the program, develops criteria, solicits applications, and monitors program compliance. MDOT has sole responsibility to certify the eligibility of the applicants, review applications, select applications for inclusion in the program, ensure that audits are performed on all Section 5311 contracts, and close out projects.

## **ITEM C. ELIGIBLE SUBRECIPIENTS**

Section 5311 funds are apportioned to the states by a statutory formula based on the ratio of the non-urbanized population of each state to the non-urbanized population of all the states, according to the latest available U.S. Census. Eligible recipients may include state agencies, local public bodies and agencies thereof, private nonprofit organizations, Indian Tribes and groups, and operators of public transportation services. Private for-profit operators of transit services may also participate in the program as long as they comply with all program requirements.

The State of Michigan distributes these funds to all legal public bodies that provide general public transportation in non-urbanized areas of Michigan, including Indian reservations, which receive funding from Section 10e(4)(a) of Act 51 of PA of 1951, as amended. There are presently some 72 eligible agencies and authorities throughout the state. Service areas range from a full county system, such as Isabella County, to a small town the size of Alma. Practically all geographical areas of the state have public transportation systems of one form or another.

## **ITEM D. ELIGIBLE SERVICES AND SERVICES AREAS**

Funds are available for public transportation projects and intercity bus transportation projects under capital or operating grants focusing on rural areas of the State of Michigan. Projects may include transportation into and out of urbanized areas, but the projects may not provide service exclusively within an urbanized area.

Transit agencies receiving assistance from this program may coordinate and assist in providing meal delivery services for homebound persons on a regular basis if the meal delivery services do not conflict with the provision of transit services or result in a reduction of service to transit passengers.

## **ITEM E. ELIGIBLE ASSISTANCE CATEGORIES**

### **Operating Assistance**

Operating assistance is used to help alleviate the revenue shortage affecting many agencies throughout the state. The federal funds are programmed under one federal project number through the Federal Transit Administration (FTA) Regional office. Funds are distributed to those agencies which receive state funding from Section 10(e)(4)(a) of Act 51 of PA of 1951, and are distributed based on a percentage of estimated eligible costs from the transit agencies' applications. A maximum operating cap of 50 percent of net deficit is maintained.

### **Capital Assistance**

Capital assistance is needed to maintain or improve the efficiency, effectiveness, and safety of the transit service provided to the general public. The Section 5311 share may not exceed 80 percent of the net project cost. Funds are distributed using evaluation criteria described in Item G.

## **ITEM F. LOCAL SHARE AND LOCAL FUNDING REQUIREMENTS**

The match required to access federal capital funds is provided by the state for most items utilizing a combination of cash, bond receipts, and toll credits for the first time in 2005. The match required to access operating funds is provided by a combination of local funds and funds from the state's Local Bus Operating Assistance Program.

## **ITEM G. PROJECT SELECTION CRITERIA AND METHOD OF DISTRIBUTING FUNDS**

All local public transportation projects are evaluated by MDOT based upon four primary objectives:

1. Eligibility under Act 51.
2. Adequacy of service to the elderly and persons with disabilities.
3. Reasonableness of existing and proposed level of service to the general public.
4. Level of coordination between human service agencies and the public transportation applicant.

The state distributes all Section 5311 funds to eligible non-urbanized agencies as capital and operating assistance. No administrative costs are charged to this program.

MDOT submits a grant application through the Transportation Electronic Award Management System (TEAM).

## **Operating**

An operating agreement is executed between the local transit agency and MDOT. Third-party operating contracts under \$25,000 require documented competitive quotes. Third-party operating contracts over \$25,000 require advertised competitive bids and are subject to review and approval by MDOT unless the non-urban transit agency's bid and contracting procedures have been certified according to State Transportation Commission Policy.

When all the audits for a particular fiscal year are received, MDOT performs a final accounting. At the end of the three year period of availability for each operating assistance grant, MDOT prepares and submits to FTA a reconciliation based on audited costs. If audited costs are not available, costs from the agency's reconciled year-end operating assistance report are used. Each transit agency receives the set percentage for the fiscal year of their audited eligible costs, except in the case where the set percentage times all the transit agencies' audited eligible costs exceeds the federal funds for that fiscal year and no federal operating funds are available in the next fiscal year to supplement. In this case, MDOT calculates a new percentage dividing the federal funds available by the total audited eligible costs. A revised distribution is prepared applying the new percentage times the audited eligible costs of each agency. The federal grant is closed out in accordance with MDOT's procedures on grant close-out.

## **Capital**

The state reviews and evaluates applications for capital assistance using the following Criteria:

1. Vehicles meet the following replacement requirements:

MINIVAN-MAXIVAN-MINIVAN CONVERSION	4 YEARS OR 100,000 MILES
BUSES-SMALL Light duty chassis (less than 30 feet) body on van cut-way	5 YEARS OR 150,000 MILES
BUSES-MEDIUM Medium duty chassis (less than 30 feet) body on truck chassis	7 YEARS OR 200,000 MILES
BUSES-MEDIUM Heavy duty chassis (30 feet to 34 feet)	10 YEARS OR 350,000 MILES
BUSES-LARGE Heavy duty chassis ( 35 feet to 40 feet)	12 YEARS OR 500,000 MILES

2. Fleet size review is based on peak-period fleet needs plus 20 percent.



3. Requests for items, such as tools or office furniture, must include a complete list of items to be purchased and unit costs.
4. Requests for replacement equipment must be justified on the basis of the replacement schedule.
5. A facility request must be commensurate with the current level of service plus a reasonable factor for future expansion.
6. Expansion buses and related equipment must be designated as such.

Most vehicles are purchased by the agencies under the State of Michigan Extended Purchasing Program on a competitive bid basis through the Michigan Department of Management and Budget. The agencies can also procure and purchase vehicles on their own locally. Detailed guidelines for both programs, including all the required forms, are mailed to the transit agencies with their executed state/local contract.

The Michigan Department of Transportation has certified to FTA its assurance that the state will include clauses required by federal statutes and executive orders and their implementing regulations in all state/local contracts. Local agencies must agree to abide by all the contract clauses before MDOT executes the contract.

Other capital purchases are made by the local agencies. Procurements under \$25,000 require documented competitive quotes. Procurements over \$25,000 are done on an advertised competitive bid basis with third-party agreements subject to review and approval by MDOT unless the non-urban transit agency's bid and contracting procedures have been certified according to State Transportation Commission Policy. The federal funds are programmed under one federal project number through FTA's Regional office. MDOT distributes the funds based on the above criteria to each agency and submits a grant application through TEAM.

When all the capital equipment is purchased, the federal grant is closed out in accordance with MDOT's procedures on grant close-out. Records will be maintained for FTA review and/or audit for three years.

Vehicles are granted to the agencies. The State of Michigan is the first secured party on the title for any vehicle purchased by non-urbanized agencies. The agencies are responsible for maintenance, and insurance on the vehicle. If vehicles and equipment are disposed of, it is done in accordance with MDOT's Disposal Procedures.

If the agency terminates operations, the title to the vehicle is transferred to the state and then granted and titled to another agency providing public transportation in non-urbanized areas.

## **ITEM H. INTERCITY BUS TRANSPORTATION**

Under Section 5311(f) of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), MDOT is required to spend 15 percent of its Section 5311 apportionment "to carry out a program for the development and support of intercity bus transportation," unless the Governor certifies that Michigan's intercity bus service needs are being adequately met. Assistance under Section 5311 (f) must support intercity bus service in non-urbanized areas.

### **Eligible Activities**

Funding is to support the connection between non-urbanized areas, and the larger regional or national system of intercity bus services; to support services to meet the intercity travel needs of residents in non-urbanized areas; and to support the infrastructure of the intercity bus network.

Intercity service is defined as regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urbanized areas not in close proximity, which has the capacity for transporting baggage carried by passengers, and which makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.

Assistance under Section 5311 (f) must support intercity bus service in non-urbanized areas. Eligible activities include: facility improvements for intercity bus use; intercity bus shelters; signage; vehicles or vehicle related equipment such as wheelchair lifts for use in intercity service, and operating assistance. Other projects are not precluded.

### **Requirements**

Recipients must conform with all the requirements under Section 5311, including agreement in writing to the terms and conditions of the standard Section 5333(b) warranty for the Section 5311 program, or substitute arrangements approved by the U. S. Department of Labor.

## **ITEM I. RURAL TRANSIT ASSISTANCE PROGRAM (RTAP)**

RTAP is administered by MDOT. The RTAP application is included as an element of the respective year's Section 5311 application.

An advisory team was established in 1987 to assist in the program development and review of RTAP. The Training and Education Advisory Team consists of MDOT staff, and Section 5310 and 5311 transit operators. The team surveyed Section 5310 and 5311 operators to determine their needs and interests for the program. MDOT's RTAP Coordinator is part of this team. The program is implemented through various mechanisms depending on the needs of transit operators in the four categories of training, technical assistance, transit research, and related support services.

## **ITEM J. ANNUAL PROGRAM OF PROJECTS DEVELOPMENT AND APPROVAL PROCESS**

Section 10(e) 6 of Act 51 of Public Acts of 1951, directs the department to annually prepare and distribute by December 1, instructions to eligible governmental agencies, eligible authorities, intercity carriers, and other interested parties, to enable the preparation of a local transportation program. The application forms are contained in the electronic Passenger Transportation Management System (PTMS) module of the Transportation Management System database, created by the Michigan Department of Transportation. The instructions and application forms may also be obtained on our web page.

The public transit operators submit an annual application for federal and state assistance. In the application they detail their goals and objectives for the coming year, along with the FTA requirements. The application requires information on the following sections:

1. Description of Service
2. Project Coordination
3. Public Input
4. Title VI - Nondiscrimination
5. Provisions for elderly and persons with disabilities.

Copies of the applications are on file with MDOT. The transit operators are required to hold public hearings when applicable. From these applications MDOT prepares a program of projects for submittal to FTA. Upon approval of the program, submittal of the state assurances, and 5333 (b) labor warranty approval by the Department of Labor, MDOT processes a contract between MDOT and the local agency.

## **ITEM K. COORDINATION**

The Governor and the legislature have charged the Multi-Modal Transportation Services Bureau (MMTSB) with the responsibility for developing coordination/consolidation as a means of achieving enhanced efficiency and effectiveness of passenger transportation services throughout the State of Michigan. Significant progress in this regard has been made over the years. Cooperative efforts among public transportation agencies/authorities and groups/agencies in their communities have been and continue to be central to meeting this objective.

A coordination plan is required of all transit agencies. The coordination plans are an important component of MMTSB funded programs. Existing coordination accomplishments and the transit agencies plans to continue and improve those efforts in providing quality elderly and persons with disabilities transportation are a primary goal. These coordination plans are part of the applications that are submitted annually to the Passenger Transportation Division.

The plans in the annual applications for state and state-administered federal public transportation financing are reviewed to ensure that coordination requirements are met. State and state-administered federal funds may not be programmed unless it is determined that coordination requirements are adequately addressed by the applicant. Section 5311 recipients are subject to this review.

MDOT has project managers assigned statewide working directly with all agencies to enhance and implement service coordination.

The Specialized Services Coordination Team provides state agency, provider and user perspectives, and makes recommendations for improvement in transportation services for the elderly and persons with disabilities.

In summary, MDOT ensures that:

- Transportation coordination is a mandatory activity for Section 5311 recipients.
- Recipients meet coordination requirements as a condition for funding.
- Technical assistance is available and provided to recipients to facilitate the implementation of coordination arrangements.
- Statewide coordination is addressed at the Specialized Services Coordination Team.

#### **ITEM L. PRIVATE SECTOR PARTICIPATION**

All state application requests are subject to public notice and the application must be available for public review for a period of 30 days. Local transit agencies are encouraged to involve the private sector in providing public transit services and when feasible contact private providers to evaluate possible areas where they could assist with the provision of public transit service.

#### **ITEM M. STATE ADMINISTRATION AND TECHNICAL ASSISTANCE**

Along with the operating assistance funding and capital equipment, MDOT provides technical services to the non-urbanized public transit agencies. Each agency is assigned an MDOT project manager, who provides project oversight and technical assistance as needed. A statewide training plan is developed annually and the level of state and local funding available determines the delivery of training. Previous training plans have included driver and dispatch training, Drug and Alcohol, Small Bus Roadeo, Vehicle and Equipment Seminar, and the Michigan Transit Conference.

The Passenger Transportation Division's Web page is a source of information to the transit agencies and is a way for MDOT to provide technical and management assistance. Information found in the website include: application instructions and forms; audit and accounting information, reference manual for transit agencies, transportation laws and

regulations; vehicles and technology information; calendar of events; links to other web sites of interest; and the Transit Training Network. The Transit Training Network was created to put together in one place Michigan's public transit statewide training initiatives. The Transit Training Network includes training course offerings, resource material, transit mentor program information, and electronic discussion groups.

## **ITEM N. STATE PROGRAM MANAGEMENT**

### **Cash Flow and Control of Funds**

Once the operating assistance program is approved by FTA, payments are made quarterly. Within 40 days after the end of a state fiscal year quarter, each agency is required to submit a Section 5311 Operating Assistance Report. If the actual eligible costs for the quarter times the allocation percentage calculated under Item G of this plan is lower than the amount paid to the agency, the allocation payment is adjusted. Audits and close-out will be performed in accordance with Item G of this plan.

The State of Michigan enters into an operating assistance contract with the local transit operator that specifies the obligations of both parties and sets a maximum amount of reimbursement of Section 5311 funds. The contract also stipulates that the State of Michigan and FTA have the authority to audit the records and operations of the agency. Each agency is audited by a Certified Public Accountant and/or MDOT's Commission Audits. Final close-out is performed using actual audited revenue and expense figures. MDOT staff performs audit citation follow-up.

Eligible expenses for Section 5311 operating assistance are determined by the Office of Management and Budget Circular A-102 and MDOT's Local Public Transit Revenue and Expense Manual.

### **Monitoring and Evaluation**

MDOT requires annual financial and non-financial reports. These reports are used to determine state local bus operating assistance and to provide measures of system efficiency and effectiveness.

MDOT has implemented the Passenger Transportation Management System (PTMS) based on UMTA Section 15 reporting requirements. This computer application allows MDOT to prepare informational and monitoring reports in several different formats and outputs.

Section 10e(18) of Act 51 of PA of 1951, as amended, requires each agency to provide detailed data on service to the elderly and persons with disabilities, particularly those requiring a wheelchair lift.

Project Managers make compliance visits to their agencies as well as other visits when assistance is needed and provide regular feedback to the operator of the system.

## **Financial Management/Accounting Systems**

MDOT maintains a financial management system of financial reporting, accounting records, internal controls, and budget controls subject to standards specified in state laws.

The Michigan Administrative Information Network (MAIN) is responsible for the implementation and operation of a fully integrated automated financial management system for the State of Michigan.

The Contract Administration Tracking System (CATS) tracks and maintains information about MMTSB contracts, contract amendments, authorizations, authorization revisions, and vendors. It provides access to and maintenance of data and it provides a querying tool for customized reports and pre-defined reports.

## **Vehicle Use**

Subrecipients are allowed to use vehicles only for the intended purpose under the original agreement. Incidental use for meal delivery is allowed as long as it does not interfere with passenger transportation service. Vehicles must be available to the general public.

## **Procurement**

Procurement can be conducted directly by the subrecipient or through MDOT's Extended Purchase Program. MDOT supplies subrecipients with guidelines outlining all federal and state requirements for procurement of vehicles locally. MDOT reviews all local procurements for all federal requirements. We review procurements for all federally required clauses and ensure that subrecipients provide for full and open competition. For third party contracts greater than \$2,500 and less than \$25,000, MDOT requires that subrecipients document competitive quotations using local procurement procedures. For competitive bids on third party contracts over \$25,000, we require that subrecipients issue invitations for bids. We review all invitations for bids, awards, and contracts, unless the subrecipients procedures have been certified according to State Transportation Commission Policy. We don't allow the use of in-state or local preference clauses. MDOT requires that subrecipients follow formal procedures for the procurement of architectural and engineering services.

## **Property Management**

MDOT has a lien on vehicle titles. MDOT is the first secured party for any vehicle purchased for nonurbanized subrecipients. Agencies update the vehicle listing in the Public Transportation Management System (PTMS) and the project managers review during the annual application process. The compliance checklist also includes a section on facilities. Asset listings are also included in an agency's annual compliance audit and auditors review and update the listings. MDOT's contract with the agency also states that facility/equipment must be used for public transportation. Also the agency must notify the project manager if facility/equipment is being disposed.

## **Construction/Renovation of Facilities**

Facilities may only be built or renovated after obtaining a categorical exclusion or conducting an environmental impact study (See Item S). MDOT requires that subrecipients follow formal procedures for the procurement of architectural and engineering services and that adequate maintenance procedures are implemented to protect state and federally funded facilities.

## **ITEM O. MAINTENANCE**

Transit agencies are required by contract to maintain vehicles and facilities for the useful life of the item.

Vehicle maintenance must conform with manufacturers' recommendations as to service and service intervals. Agencies are required to submit a vehicle maintenance plan to MDOT for review and approval. A Vehicle Service Coordinators (VSC) from the Passenger Transportation Division conducts triennial on site reviews of each TA's vehicle maintenance program to ensure compliance with their approved plan. During this review, the VSC selects a random sample of the agency's fleet and conducts visual vehicle inspections along with a review of the vehicle's maintenance records. MDOT monitors vehicles for the maintenance of ADA accessible features under this program. Project managers also use a checklist to monitor for the maintenance of vehicle accessibility features during their field visits as well as monitoring the condition of federal and state funded facilities.

## **ITEM P. CIVIL RIGHTS**

Beneficiaries of state and/or federal funds from MDOT are required to submit a Title VI program which assures full and affirmative compliance with the requirements of the Civil Rights Act of 1964. Each contract, bid document, and proposal contains language pertaining to Title VI and DBE compliance. Sanctions for noncompliance include withholding of payments, withholding of bidding privileges, and reductions in prequalification ratings of construction contractors.

Pursuant to 49 CFR, Part 26, MDOT has implemented a DBE program which requires that a DBE policy and obligation statement be included in each contract. Additionally, as required by 49 CFR, Part 26, MDOT has established both overall goals and contract goals to ensure that DBEs have the maximum opportunity to participate in contracts funded in whole, or in part, with federal funds.

In order to meet the requirements of 49 CFR, Part 26, MDOT does an annual review of federal funds to determine which non-urban agencies will meet the federal \$250,000 contracting opportunity threshold, requiring submission of a DBE Plan/Goal. This review is the beginning of an internal process to identify agencies subject to 49 CFR, Part 26 and to carry out our responsibilities to monitor compliance with DBE regulations.

## **ITEM Q. SECTION 504 AND ADA REPORTING**

MDOT has the following methods in place to comply with Section 504 and ADA reporting:

1. All state-supported, line-haul public transportation vehicles must be accessible to wheelchair users. In addition, local elderly and persons with disabilities accessibility plans are required by the state for all public transportation systems providing demand-responsive service. The state requirements of Section 10e(18) of Act 51 of PA of 1951, as amended, are incorporated with the federal requirements under 49 CFR, Part 27. Each non-urban agency is required to submit a plan which describes how they do or will supply service to the elderly and persons with disabilities equal to the level of service supplied to other segments of the general public. The local plans will be reviewed by a Local Advisory Council comprised of persons with disabilities, elderly, human service agencies, civic organizations, and others who have an interest in public transportation services, along with a public hearing review. All non-urban agencies have prepared a complete coordination plan and have submitted them to the state. The plans are updated each year and submitted with the state and Section 5311 application.
2. All state application requests according to Section 10e(6) of Act 51 of PA of 1951, as amended, are subject to public notice and the application must be available for public review for a period of 30 days.
3. Per Americans with Disabilities Act of 1990 (ADA) requirements, each applicant must certify that the demand-response service offered to individuals with disabilities, including persons 65 years of age or older, and users of wheelchairs, is equivalent to the level and quality of service offered to individuals without disabilities.
4. MDOT monitors vehicles for the maintenance of ADA accessible features under the Vehicle Maintenance Monitoring Program. Project managers also use a checklist to monitor for the maintenance of accessibility features during their field visits.
5. Titles II and III of the American with Disabilities Act of 1990 (ADA) provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets forth specific requirements for vehicle and facility accessibility and the provision of service. MDOT monitors subrecipients' compliance with ADA requirements and helps agencies with the preparation, review, and submittal of paratransit plans to FTA.

## **ITEM R. CHARTER RULE**

Recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter



operator willing and able to provide the service, except under one of the exceptions at 49 CFR Section 604.9(b). Any charter service provided under one of the exceptions must be “incidental” (it must not interfere with or detract from the provision of mass transportation). Before a transit operator may provide charter service using equipment or facilities financed by FTA, the operator must publish an annual notice to determine whether there are private operators that do not receive FTA assistance willing and able to provide the service. Each subrecipient of 5311 Section funds must complete an annual certification of compliance with the charter service regulations and must also obtain certifications from any applicable subcontractors. MDOT has developed a program to monitor subrecipients’ compliance with charter regulations. MDOT provides charter bus compliance information to Section 5311 agencies via general informational letters and detailed guidance in response to case-specific situations.

## **ITEM S. OTHER PROVISIONS**

Section 5311 subrecipients must comply with other federal regulations and include them in their subcontracts when applicable. These include: Buy America; pre-award and post-delivery audit, drug and alcohol testing, and environmental protection for construction projects not subject to a general waiver.

**Buy America.** The Buy America requirements apply to construction contracts and acquisition of goods or rolling stock valued at more than \$100,000. The requirements flow down from Section 5311 subrecipients to first tier contractors, who are responsible for ensuring that lower tier contractors and subcontractors are in compliance. A Buy America clause is included in all Section 5311 subrecipient agreements and third party contracts. MDOT monitors for compliance.

The pre-award and post delivery audit requirements apply to the acquisition of rolling stock. A clause is included in all subrecipient agreements and third party contracts.

**Drug and Alcohol Testing.** Anyone who performs a safety-sensitive function for the subrecipient is required to comply with Drug and Alcohol testing requirements, unless the contract is for maintenance services. Maintenance contractors for Section 5311 subrecipients are not subject to the rules. Also, the rules do not apply to maintenance subcontractors.

Section 5311 subrecipients must establish and implement a drug and alcohol testing program that complies with 49 CFR Parts 653 and 654, produce any documentation necessary to establish its compliance, and permit any authorized representative of US DOT or MDOT, to inspect the facilities and records associated with the implementation of the drug and alcohol testing program and review the testing process. Each subrecipient must certify to MDOT its compliance with Parts 653 and 654 by February 1 of each year. To certify compliance subrecipients will use the certification included in the annual Section 5311 application. Drug and alcohol testing clauses are included in all Section 5311 subrecipient agreements and third party contracts. MDOT has developed a monitoring program.

Most of the Section 5311 subrecipients belong to the MDOT Transit Drug and Alcohol Consortium. This consortium is administered by an external third party consultant, National Diagnostics, Inc (NDI). MDOT takes action with drug consortia administrators as well as the individual Section 5311 subrecipients in order to ensure that they are in full compliance with drug and alcohol testing regulations.

**Environmental Protection.** Proposed projects need to be looked at to determine their affect if any on the environment. Most capital projects under 5311 are “categorical exclusions” involving the acquisition of vehicles and vehicle related equipment. When 5311 funds are combined with 5309 earmarks, some projects may have an environmental impact. MDOT follows all environmental regulations. There are several categories of projects:

a."Categorical Exclusions." Many projects and activities assisted with bus category funds normally do not involve significant environmental impacts. The joint FHWA/FTA environmental regulations use the term "categorical exclusions" to describe those projects that are categorically excluded from the requirement to prepare an environmental document (environmental assessment or environmental impact statement). In accordance with the regulations, bus and bus-related projects that are predetermined to be categorical exclusions include:

1. the acquisition of buses to replace old buses;
2. the acquisition of buses for minor fleet expansions where use of these buses can be accommodated by existing facilities;
3. bus rehabilitation;
4. alterations to buses or facilities to make them accessible for the elderly and persons with disabilities;
- 5 .purchase and installation of bus operating or maintenance equipment to be located within an existing facility, with no significant impacts off the project site;
6. installation of fencing, signs, pavement markings, small passenger shelters, and traffic signals where no substantial land acquisition or traffic disruption will occur; and
7. construction of pedestrian and bicycle lanes, paths, and facilities.

b.Projects That May Have an Environmental Impact. A second group of bus category projects involve more construction and greater potential for off-site impacts. Examples are new construction or expansion of bus terminals and transfer facilities, bus storage and maintenance garages, office facilities, and transit centers with park-and-ride facilities. For these projects, the grant applicant must prepare environmental documentation with appropriate technical analysis to support a categorical exclusion, if appropriate, or a finding of no significant impact (FONSI), depending on the scope and magnitude of the probable environmental impacts.

Experience has shown that many construction projects can be built and operated without causing significant impacts if they are carefully sited in areas with compatible, non-residential land use where the primary access roads are adequate to handle the additional bus traffic. FTA may approve the designation of these construction projects as categorical exclusions if the grant applicant provides documentation which clearly demonstrates that the conditions stated above are met and that no significant adverse

effects will result. For any project not meeting the conditions for a categorical exclusion, the grant applicant must prepare an environmental assessment (EA) which documents the impacts of the proposed project and considers alternatives to the proposed site or design. An EA is subject to public comment.

If significant environmental impacts are identified for a bus category project, an environmental impact statement (EIS) will be required. For example, the new construction or extension of a separate roadway for buses or high-occupancy vehicles which is not located within an existing highway right-of-way normally requires an EIS. FTA is not permitted to provide Federal assistance to support a project requiring an EA or an EIS until FTA has completed the environmental review process and determined either that the project qualifies for a FONSI or that the final EIS supports a Federal grant for the project.

**Section 5333(b) Special Warranty.** All agencies must submit a letter to MDOT with their annual applications accepting the terms and conditions of the Special Warranty as well as a listing of any unions representing their employees. They must also include a listing of all other transportation providers and their unions in the agency's service area.

**School Transportation.** Agencies are instructed that they must comply with this rule. They sign an annual certification with their applications that they will engage in school transportation operations only to the extent permitted by an exception provided by 49 U.S.C. 5323(f).

## **II. SECTION 5310**

### **ITEM A. GOALS AND OBJECTIVES**

The state goal under this program is to provide assistance in meeting the special transportation needs of the elderly and persons with disabilities in the state in order to give them access to health care, shopping, education, recreation, public and social services, and employment, by encouraging the development, maintenance, improvement, and use of passenger transportation services.

The state objectives are:

1. To promote the safe, effective, and efficient delivery of public transportation services to the elderly and persons with disabilities.
  - a. Provide essential public transportation services to the elderly and persons with disabilities.
  - b. To achieve increased access to jobs, education, recreation, shopping, medical needs, and other cultural and social activities.
2. To enhance coordination and consolidation of public transportation services in order to encourage the most efficient use of resources.
3. To encourage the development, maintenance, improvement, and use of passenger transportation services.

### **ITEM B. ROLES AND RESPONSIBILITIES**

The principal responsibility and authority for administering the program is with the Governor through MMTSB and the Passenger Transportation Division. The division is responsible for notifying private nonprofit organizations and public agencies of the availability of the program; developing project selection criteria; determining applicant eligibility; selecting projects for funding; and ensuring adherence to federal program guidelines by all recipients.

### **ITEM C. ELIGIBLE RECIPIENTS AND DISTRIBUTION OF FUNDS**

Section 5310 funds are apportioned among the states by a formula which is based on the number of seniors and handicappers in each state according to the latest available U.S. Census.

This program provides capital funds for transportation purposes to private, non profit corporations and associations, and public agencies for the specific purpose of assisting them in providing transportation services meeting the special needs of senior and

handicappers. The Section 5310 share may not exceed 80 percent of the net project cost. The 20 percent match is provided by the state for most items.

There are three categories of eligible applicants for Section 5310 funds:

- a. Private nonprofit organizations,
- b. Public bodies that certify to the Governor that no nonprofit corporations or associations are readily available in an area to provide the service; or
- c. Public bodies approved by the state to coordinate services for elderly persons and persons with disabilities.

Local public bodies eligible to apply for Section 5310 funds as coordinators of services for elderly persons and persons with disabilities are those designated by the state to coordinate human service activities in a particular area. Examples of such eligible public bodies are a county agency on aging or a public transit provider which the state has identified as the lead agency to coordinate transportation service funded by multiple federal or state human service programs.

The state distributes all Section 5310 funds to eligible nonprofit corporations and associations, and public agencies. No MDOT administrative costs are charged to this program.

The state reviews and evaluates all applications utilizing the following criteria:

1. Vehicles must meet the following replacement criteria (either by years or miles):

MINIVAN-MAXIVAN-MINIVAN CONVERSION	4 YEARS OR 100,000 MILES
BUSES-SMALL	5 YEARS OR 150,000 MILES
Light duty chassis (less than 30 feet) body on van cut-way	
BUSES-MEDIUM	7 YEARS OR 200,000 MILES
Medium duty chassis (less than 30 feet) body on truck chassis	
BUSES-MEDIUM	10 YEARS OR 350,000 MILES
Heavy duty chassis (30 feet to 34 feet)	
BUSES-LARGE	12 YEARS OR 500,000 MILES
Heavy duty chassis ( 35 feet to 40 feet)	

2. Financial commitments to assure operating funds are available.
3. Degree to which the organization is meeting the transportation needs of elderly persons and persons with disabilities.
4. Appropriateness of vehicles for meeting the special transportation needs of client population.
5. Endorsements provided by local units of government, transit operators, and social service agencies.

6. The degree to which the applicant documents coordination with present and long-range plans for public transportation and other social services in the service area. This should be presented in the agency's Coordination plan and updates.
7. Documentation of local initiative, organization, fiscal resources and management capability, equipment inventory, proper maintenance procedures, and overall technical capacity.
8. Priority shall be placed on the funding of replacement vehicles prior to expansion vehicles. If there is insufficient funding available, vehicles shall be included in the FTA Section 5310 program in the following order of priority:
  - a. Agencies replacing vehicles previously funded under the FTA 5310 program. Two vehicles, but not more than one large bus, per agency until all approved requests for vehicles under this priority have been funded before proceeding to the next category.
  - b. Private, nonprofit agencies operating public transportation systems funded under the State Operating Assistance Program (Sec. 10e(4)(a) financed from other funding sources and used for transportation of the elderly and persons with disabilities requesting replacement vehicles. Two vehicles, but not more than one large bus, per agency until all approved requests for vehicles under this priority have been funded before proceeding to the next category.
  - c. Agencies funded under the existing Specialized Services Operating Assistance program replacing vehicles financed from other funding sources and used for transportation of the elderly and persons with disabilities. Two vehicles, but not more than one large bus, per agency until all approved requests for vehicles under this priority have been funded before proceeding to the next category. However, these agencies may be considered only after all other federal funding sources are exhausted.
  - d. Agencies not currently participating in this Specialized Services program requesting replacement vehicles financed from other funding sources and used for transportation of the elderly and persons with disabilities. Two vehicles, but not more than one large bus, per agency until all approved requests for vehicles under this priority have been funded before proceeding to the next category. However, these agencies may be considered only after all other federal funding sources are exhausted.
  - e. Agencies requesting expansion vehicles to provide new specialized transportation services in areas where no existing transportation services are available. Two vehicles, but not more than one large bus, per agency until all approved requests for vehicles under this priority have been funded before proceeding to the next category. However, these agencies may be considered only after all other federal funding sources are exhausted.
  - f. Agencies participating in the FTA 5310 program, requesting expansion vehicles. Two vehicles, but not more than one large bus, per agency until all

approved requests for vehicles under this priority have been funded before proceeding to the next category. However, these agencies may apply only after all other state and federal funding sources are exhausted.

- g. Agencies operating specialized services and currently participating in this Specialized Services program requesting expansion vehicles. Two vehicles, but not more than one large bus, per agency until all approved requests for vehicles under this priority have been funded before proceeding to the next category. However, these agencies may apply only after all other state and federal funding sources are exhausted.
- h. Agencies not currently participating in this Specialized Services program requesting expansion vehicles, who provide specialized transportation services in areas where transportation services are available. Two vehicles, but not more than one large bus, per agency until all approved requests for vehicles under this priority have been funded before proceeding to the next category. However, these agencies may apply only after all other state and federal funding sources are exhausted.
- j. After all the above vehicle priorities have been met any remaining funds may be used to purchase other approved capital equipment.

#### **ITEM D. COORDINATION**

When new policies or programs are developed, input is solicited from the Specialized Services Coordination Team. This team provides state agency, provider and user perspectives, and makes recommendations for improvement in transportation services for the elderly and persons with disabilities. Team members also help to identify nonprofit organizations serving predominantly minority communities. The following are the team's main tasks:

- 1. Gives special attention to the transportation needs of the elderly and persons with disabilities through greater coordination.
- 2. Reviews and comments on the annual application process and funding recommendations for the Specialized Services Operating Assistance Program and the Section 5310 Capital Assistance Program.
- 3. Recommends methods to improve transportation services for the elderly and persons with disabilities statewide.
- 4. Reviews and comments on proposed program revisions being considered by the department which impact elderly and persons with disabilities services.
- 5. Reviews and comments on proposed legislation that impacts elderly and persons with disabilities transportation services.

#### **ITEM E. CIVIL RIGHTS**

As part of the application process, MDOT asks the applicant to identify whether or not the applicant is a minority organization, and to identify the ethnic composition of its ridership. Passenger Transportation Division's Project Managers contact all applicants from nonprofit organizations including those identified as operated by minorities to help them and to make sure they are aware of the assistance that is available from the Division in all phases of the grant application process.

#### **ITEM F. COMMERCIAL DRIVER'S LICENSE (CDL)**

A person driving a vehicle designed to carry 16 or more people (including the driver), needs to have a Commercial Driver's License (CDL). MDOT monitors for this requirement with its FTA compliance checklist for Section 5310 agencies.

**REFER TO THE SECTION 5311 PORTION OF THE PLAN FOR MORE ITEMS THAT ALSO APPLY TO SECTION 5310.**